

March 9, 1993

ECONOMIC DEVELOPMENT — C.S.S.B. 394, S.B. 363, S.B. 375, S.B. 412

March 10, 1993

FINANCE — C.S.S.B. 301

STATE AFFAIRS — S.B. 398, S.B. 274

EDUCATION — S.B. 335 (Amended), S.B. 403 (Amended)

INTERGOVERNMENTAL RELATIONS — S.B. 505, S.B. 524 (Amended)

SIGNED BY GOVERNOR

(March 10, 1993)

S.B. 30 (Effective June 1, 1993)

THIRTIETH DAY

(Thursday, March 11, 1993)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by Senator Harris of Dallas.

The roll was called and the following Senators were present: Armbrister, Barrientos, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Nelson, Parker, Patterson, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Bivins, Montford, Ratliff.

A quorum was announced present.

The Reverend John L. Dasher, Pastor, Cornerstone Baptist Church, Pflugerville, offered the invocation as follows:

Dear Lord, we ask Your divine blessings over this Senate body and their staff as they undertake the tasks they have been asked to perform. Give them the strength and wisdom to carry out their duties in a way that is pleasing to You and will help the cause of the many people they represent. We thank You, Lord, for Your guidance and blessings as they go about their duties this day. In the name of our Lord we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Truan, Senator Montford was granted leave of absence for today on account of important business.

On motion of Senator Truan, Senator Bivins was granted leave of absence for today on account of important business.

On motion of Senator Truan, Senator Ratliff was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 22

On motion of Senator Luna and by unanimous consent, Senator Wentworth will be shown as Co-author of S.C.R. 22.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 23

On motion of Senator Luna and by unanimous consent, Senator Wentworth will be shown as Co-author of S.C.R. 23.

CO-AUTHOR OF SENATE JOINT RESOLUTION 20

On motion of Senator Nelson and by unanimous consent, Senator Wentworth will be shown as Co-author of S.J.R. 20.

CO-AUTHOR OF SENATE BILL 583

On motion of Senator Harris of Tarrant and by unanimous consent, Senator Rosson will be shown as Co-author of S.B. 583.

CO-AUTHORS OF SENATE BILL 618

On motion of Senator Montford and by unanimous consent, Senators Truan, Zaffirini, Madla, Lucio, Luna, Rosson, and Barrientos will be shown as Co-authors of S.B. 618.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

BILLS SIGNED

The Presiding Officer announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

S.B. 25

S.B. 118

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 11, 1993

**TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS BOARD OF LICENSURE FOR NURSING HOME ADMINISTRATORS for a term to expire January 31, 1995:

THOMAS WILLIAM GARD
4455 Maddox
Beaumont, Texas 77705

Mr. Gard will be filling the unexpired term of Cindy Brockwell of Boerne, who resigned.

TO BE A MEMBER OF THE LOWER CONCHO RIVER WATER AND SOIL CONSERVATION AUTHORITY BOARD OF DIRECTORS for a term to expire February 1, 1997:

JOSEPH BEACH
P. O. Box 46
Millersview, Texas 76862

Mr. Beach will be replacing T. E. Wells of Paint Rock, whose term expired.

TO BE A MEMBER OF THE UPPER COLORADO RIVER AUTHORITY BOARD OF DIRECTORS for a term to expire February 1, 1999:

RUBY N. GUTIERREZ
126 Loch Lomond
San Angelo, Texas 76901

Ms. Gutierrez is being reappointed.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

CAPITOL PHYSICIAN

The Presiding Officer recognized Senator Barrientos, who presented Dr. Mathis Blackstock of Austin as the "Doctor for the Day."

Dr. Blackstock, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

SENATE BILL 227 REREFERRED

On motion of Senator West and by unanimous consent, S.B. 227 was withdrawn from the Committee on State Affairs and was rereferred to the Committee on Economic Development.

RECESS

On motion of Senator Barrientos, the Senate at 9:15 a.m. took recess until 9:30 a.m. today to allow the Committee on Nominations to meet.

AFTER RECESS

The Senate met at 9:30 a.m. and was called to order by Senator Harris of Dallas.

SENATE CONCURRENT RESOLUTION 43

Senator Henderson offered the following resolution:

S.C.R. 43, Requesting the Council of the Alternative Dispute Resolution Section of the State Bar of Texas to provide advisory assistance to the Senate Committee on Jurisprudence and the House Committee on Judicial Affairs on request.

The resolution was read.

On motion of Senator Henderson and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

SENATE BILL 124 WITH HOUSE AMENDMENTS

Senator Harris of Tarrant called **S.B. 124** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend **S.B. 124** as follows:

(1) Insert a new Section 3 (page 3, between lines 20 and 21) to read as follows:

SECTION 3. Subsection (i), Section 4A, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended to read as follows:

(i) Except as provided by this subsection, the corporation may not undertake a project the primary purpose of which is to provide transportation facilities, solid waste disposal facilities, or air or water pollution control facilities. However, the corporation may provide those facilities to benefit property acquired for a project having another primary purpose. The corporation may undertake a municipal water supply project and provide related transmission and treatment facilities connected with a municipally owned or operated water system or sewage system. The corporation may undertake a project the primary purpose of which is to provide:

(1) a general aviation business service airport that is an integral part of an industrial park; ~~or~~

(2) port-related facilities to support waterborne commerce; ~~or~~

(3) any purpose authorized under Section 4B(a)(2) of this Act, if the corporation is in a city that is located wholly on an island that is adjacent to the Gulf of Mexico and is within 35 miles of the Republic of Mexico.

(2) Renumber Section 3 (page 3, line 21) as Section 4.

Amendment No. 2

Amend Committee Amendment No. 1 to **S.B. 124** by adding the following at the end of Section 4A(i) (3) (page 5, line 26, 1st Printing, between "Mexico" and the period): "or if the corporation is in a city that is located adjacent to the Gulf of Mexico and has a population of more than 250,000 according to the most recent federal decennial census".

Amendment No. 3

Amend S.B. 124 as follows:

(1) Insert a new Section 3 (page 3, between lines 20 and 21), to read as follows:

SECTION 3. This Act does not affect:

(1) a matter involved in litigation that is pending on the effective date of this Act; or

(2) a dispute in relation to property that is the subject of an eminent domain proceeding on the effective date of this Act.

(2) Renumber Section 3 (page 3, line 21), as Section 4.

Amendment No. 4

Amend S.B. 124 as follows:

(1) Insert a new Section 4 (page ____, between lines ____ and ____ to read as follows:

Section 4. Subsection (n), Section 4A, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes) is amended to read as follows:

(n) At an election called and held under Subsection (d) or (o) of this section, the city may also allow the voters to vote on a ballot proposition that limits the length of time that a sales and use tax may be imposed. If a city elects to limit the period the sales and use tax may be imposed, there shall be added to the end of the ballot proposition prescribed by Subsection (m) of this section: "to be imposed for ____ years" (the number of years to be inserted as appropriate). The governing body of the city shall set the expiration date of the proposed tax to occur on the appropriate anniversary of the effective date of the tax. A sales and use tax imposed for a limited period under this subsection expires on the date set by the governing body under this section or on an earlier date if, by a majority of the voters voting in an election held in the city, the tax is repealed. If an earlier abolition election is held, Sections 321.102(a) and 321.402(b), Tax Code, apply to the date of repeal. A tax that is approved without a limit on its period of imposition is effective until repealed by election. Before the 60th day before the date that a tax is to expire, the governing body shall send a notice to the comptroller stating the expiration date of the tax. Revenue collected after the expiration of the tax from the imposition of the tax after its expiration date shall be retained by the state for state purposes and deposited to the credit of the general revenue fund if the tax revenue cannot be returned to the purchaser of taxable items on which the tax was paid. A municipality that has imposed a tax under this section may not extend the period of the tax's imposition or reimpose the tax after its expiration date. If a city reduces the rate of an additional sales and use tax under Chapter 321, Tax Code, to impose a tax under this section for a limited period as provided under this subsection, and does not have an election to change the rate of the additional sales and use tax before the expiration date of the tax under this section, the rate of the additional sales and use tax under Section 321.101(b), Tax Code, in the city returns to its previous rate in effect at the time the tax imposed under this section was adopted on the expiration date of the tax under this

section without having to hold an election under Chapter 321, Tax Code, to impose the increase in the rate. In addition, whether or not a time limit is imposed, at an election called and held under subsection (d) and (e) of this section, nothing in this section shall be constructed to prevent the city from also allowing the voters to vote on a ballot proposition that describes and limits, generally or specifically, the project or projects for which the proceeds of the sales and use tax may be used.

(2) Renumber Section 4 (page____, line ____) as Section 5.

Floor Amendment No. 5

Amend S.B. 124 as follows:

(1) In Section 4B(a)(1) (page 1, lines 11 and 12), strike "lines 11 and 12 and substitute the following:
federal decennial census[?]; and

~~[(B)]~~ in which the combined rate of all sales and".

(2) In Section 4B(a)(1) (page 1, line 16), between "section" and the period, insert the following:

; or

(B) that has a population of 150,000 or more, according to the most recent federal decennial census, and that is located in more than one county, and in which the combined rate of all sales and use taxes imposed by the city, the state, and other political subdivisions of the state having territory in the city, including taxes under this section, do not exceed 8.25 percent.

Amendment No. 1 on Third Reading

Amend S.B. 124, on third reading, by inserting an appropriately numbered section to read as follows and renumbering the other sections of the bill accordingly:

SECTION _____. Section 25(e), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended to read as follows:

(e) The principal of and interest on any bonds issued by the corporation shall be secured by a pledge of the revenues and receipts derived by the corporation from the lease or sale of the project so financed or from the loan made by the corporation with respect to the project so financed or refinanced and may be secured by a mortgage covering all or any part of such project, including any enlargements of and additions to such project thereafter made. The resolution under which the bonds are authorized to be issued and any such mortgage may contain any agreements and provisions respecting the maintenance of the project covered thereby, the fixing and collection of rents, purchase price payments or loan payments, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable and not in conflict with the provisions hereof. The resolution under which the bonds are authorized to be issued and the mortgage may contain any agreements and provisions for satisfying the financial assurance requirements applicable to a project

for which a permit is required under Chapter 361, Health and Safety Code, or Chapter 27, Water Code, including those relating to construction, proper operation, liability coverage, emergency response capability, well plugging, closure, and postclosure care. Evidence of the passage of a resolution by a governing body approving or agreeing to approve the issuance of bonds for the purpose of satisfying the financial assurance requirements applicable to such a project is an adequate demonstration that sufficient financial resources will be available to comply with all existing financial assurance requirements. Each pledge, agreement, and mortgage made for the benefit or security of any of the bonds of the corporation shall continue effective until the principal of and interest on the bonds for the benefit for which the same were made have been fully paid.

The amendments were read.

Senator Harris of Tarrant moved to concur in the House amendments to S.B. 124.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Truan.

Absent-excused: Bivins, Montford, Ratliff.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Barrientos submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which was referred the following appointment, have had same under consideration and report it back to the Senate with a recommendation that the nominee be confirmed.

To be a Member of the TEXAS EMPLOYMENT COMMISSION: Jackie William St. Clair, Travis County.

SESSION TO CONSIDER EXECUTIVE APPOINTMENT

On motion of Senator Barrientos and by unanimous consent, Senate Rule 14.02 was suspended in order to consider for confirmation the nominee reported today by the Committee on Nominations.

Senator Barrientos moved confirmation of the nominee reported today by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever the nominee.

There were no requests offered.

NOMINEE CONFIRMED

The following nominee, reported today by the Committee on Nominations, was confirmed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

Member, Texas Employment Commission: JACKIE WILLIAM ST. CLAIR, Travis County.

SENATE BILL 257 REREFERRED

On motion of Senator Ellis and by unanimous consent, S.B. 257 was withdrawn from the Committee on State Affairs and was rereferred to the Committee on Economic Development.

SENATE BILL 332 REREFERRED

On motion of Senator Moncrief and by unanimous consent, S.B. 332 was withdrawn from the Committee on Health and Human Services and was rereferred to the Committee on Jurisprudence.

SENATE BILL 333 REREFERRED

On motion of Senator Moncrief and by unanimous consent, S.B. 333 was withdrawn from the Committee on Health and Human Services and was rereferred to the Committee on Jurisprudence.

SENATE BILL 468 ON SECOND READING

Senator Sims moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 468 be taken up for consideration at this time:

S.B. 468, Relating to the regulation of the transportation of carbon dioxide.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 468 ON THIRD READING

Senator Sims moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 468 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 418 ON SECOND READING

Senator Harris of Tarrant moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 418 be taken up for consideration at this time:

S.B. 418, Relating to the enforcement of certain employee claims for payment of wages.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Sibley.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read second time.

Senator Harris of Tarrant offered the following committee amendment to the bill:

Amend S.B. 418 as follows:

Strike Section 5B of Section 3 from the bill.

Amend Section 5D(h), Article 5155, Revised Statutes to read as follows:

On line 24, after the word "preexisting", add "lien,".

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Tarrant and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 418 ON THIRD READING

Senator Harris of Tarrant moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 418 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Sibley.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read third time and was passed by a viva voce vote.

GUEST PRESENTED

The Presiding Officer acknowledged the presence in the Senate of Secretary of State John H. Hannah, Jr.

The Senate welcomed Secretary of State Hannah.

SENATE BILL 363 ON SECOND READING

Senator Harris of Tarrant moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 363 be taken up for consideration at this time:

S.B. 363, Relating to the use of the advance interest trust fund to fund certain programs administered by the Texas Employment Commission.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 363 ON THIRD READING

Senator Harris of Tarrant moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 363 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 394 ON SECOND READING**

Senator Parker moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 394 be taken up for consideration at this time:

C.S.S.B. 394, Relating to the promotion of economic development in the state by improving the competitiveness of Texas public ports with ports outside of Texas, by extending the authority of navigation districts to sell or lease certain property of such districts.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 394 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 394 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 375 ON SECOND READING

Senator Barrientos moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 375 be taken up for consideration at this time:

S.B. 375, Relating to metering for water usage in newly constructed apartments, condominium projects, mobile home parks, and multiple use facilities.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 375 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional

Rule requiring bills to be read on three several days be suspended and that S.B. 375 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 318 ON SECOND READING**

Senator Shelley moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 318 be taken up for consideration at this time:

C.S.S.B. 318, Relating to tuition and fee exemptions at institutions of higher education and public technical institutes for certain students in foster or other residential care.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 318 ON THIRD READING**

Senator Shelley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 318 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 191 ON SECOND READING**

Senator Brown moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 191 be taken up for consideration at this time:

C.S.S.B. 191, Relating to the disposition of property involved in a criminal offense.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 191 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional

Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 191 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 89 ON SECOND READING**

Senator Truan moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 89 be taken up for consideration at this time:

C.S.S.B. 89, Relating to establishing a birth defects registry.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 89 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 89 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 398 ON SECOND READING

Senator Madla moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 398 be taken up for consideration at this time:

S.B. 398, Relating to certain temporary wine and beer, and mixed beverage permits for certain nonprofit organizations.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 398 ON THIRD READING

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 398 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 335 ON SECOND READING

Senator Shapiro moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 335 be taken up for consideration at this time:

S.B. 335, Relating to student union fees at East Texas State University.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read second time.

Senator Shapiro offered the following committee amendment to the bill:

Amend S.B. 335 in SECTION 1, Section 54.516(a), Education Code (page 1, lines 16-18), by striking "the student government at the university or, if no student government exists at the university, a majority vote of".

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 335 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 335 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 403 ON SECOND READING

Senator Shapiro moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 403 be taken up for consideration at this time:

S.B. 403, Relating to the student union building fees at The University of Texas at Dallas.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read second time.

Senator Shapiro offered the following committee amendment to the bill:

Amend S.B. 403 in SECTION 1, in Subsection (c), Section 54.531, Education Code (page 1, lines 22-23), by striking "by The University of Texas System for the purposes for which the fees may be expended," and substituting "pursuant to the revenue financing system of The University of Texas System."

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 403 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 403 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

SENATE BILL 170 ON SECOND READING

Senator Madla moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 170 be taken up for consideration at this time:

S.B. 170, Relating to swimming pool enclosures.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read second time.

Senator Madla offered the following committee amendment to the bill:

Committee Amendment

Amend S.B. 170 as follows:

1) On page 3, line 10, insert "unoccupied" before "premises".

2) On page 3, line 12 insert the following after the period and before "A": "After providing a minimum of 24 hours notice to the occupant, a municipal official, agent, or employee, acting under the authority granted by this subchapter or any ordinance adopted under this subchapter, may enter any occupied premises to inspect, investigate, or enforce the powers granted under this subchapter or any ordinance adopted pursuant to this subchapter."

The committee amendment was read and was adopted by a viva voce vote.

Senator Madla offered the following amendment to the bill:

Floor Amendment

Amend S.B. 170 as follows:

(1) In Section 1, Subsection (f), delete "\$2,000", and substitute "\$1,000".

(2) In Section 1, Subsection (g), delete the language "malfeasance, misfeasance or".

(3) In Section 1, Subsection (g), add the following language between the words "omissions" and "associated":
"not knowingly done that are"

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Madla and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 170 ON THIRD READING

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 170 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Montford, Ratliff.

The bill was read third time and was passed by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
March 11, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 323, Relating to the classification of federal offenses as delinquent conduct for the purposes of state law.

H.B. 155, Relating to simplified tax rate notice requirements for certain taxing units.

H.B. 86, Relating to unclaimed juror reimbursement payments.

H.B. 819, Relating to hazardous duty pay for certain employees of the Texas Youth Commission.

H.B. 699, Relating to regulation of certain motor vehicle dealers and the sale, titling, and registration of certain motor vehicles.

H.B. 607, Relating to the use of deer and turkey tags issued by the Parks and Wildlife Department.

H.B. 578, Relating to the exemption of certain persons from certain hunting stamp requirements.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate agreed to adjourn until 11:00 a.m. Monday, March 15, 1993, pending the introduction of bills and resolutions on first reading.

(Senator Nelson in Chair)

HOUSE BILLS ON FIRST READING

By unanimous consent, the following bills received from the House were read first time and referred to the committees indicated:

H.B. 72 to Committee on State Affairs.

H.B. 154 to Committee on Economic Development.

H.B. 698 to Committee on State Affairs.

H.B. 1011 to Committee on State Affairs.

H.B. 1013 to Committee on Finance.

SENATE BILLS AND RESOLUTION ON FIRST READING

By unanimous consent, the following bills and resolution were introduced, read first time, and referred to the committees indicated:

S.J.R. 34 by Turner Finance
Proposing a constitutional amendment relating to bonds issued to augment the Veterans' Land Fund and the Veterans' Housing Assistance Fund and to create and fund the Veterans' Housing Assistance Fund II.

S.B. 773 by Whitmire Health and Human Services
Relating to the creation, powers, duties, and funding of regional poison control centers.

S.B. 774 by Ellis Economic Development
Relating to the issuance of refunding bonds.

S.B. 775 by Madla, Zaffirini Jurisprudence
Relating to the creation of a judicial district composed of Starr County.

S.B. 776 by Ellis State Affairs
Relating to the electronic collection and provision of certain information by the secretary of state.

S.B. 777 by Henderson Jurisprudence
Relating to statutory construction.

S.B. 778 by Montford, Rosson, Moncrief, Finance
Harris of Tarrant, Zaffirini, Parker, Truan, Patterson, Whitmire, West, Ellis, Nelson, Bivins, Brown, Lucio, Shelley, Madla, Sims, Ratliff, Haley,

Turner, Armbrister, Shapiro, Henderson, Sibley, Harris of Dallas, Carriker, Barrientos, Wentworth
Relating to the dedication of certain funds for the use of the Texas Commission on the Arts.

S.B. 779 by Armbrister Jurisprudence
Relating to liability of a licensed installer of certain liquefied petroleum gas systems.

S.B. 780 by Armbrister Education
Relating to the funding for the Center for Educational Technology.

S.B. 781 by Whitmire State Affairs
Relating to prohibiting employment discrimination against deputy sheriffs in certain counties for refusing to take a polygraph examination.

S.B. 782 by Whitmire State Affairs
Relating to the regulation of polygraph examiners.

S.B. 783 by Whitmire Intergovernmental Relations
Relating to the investigation of a county or municipal law enforcement officer in certain counties and municipalities.

S.B. 784 by Whitmire Intergovernmental Relations
Relating to procedures for certain employment matters concerning sheriff's department employees of certain counties.

S.B. 785 by Ellis Finance
Relating to the additional tax imposed on open space or agricultural use land when a change in use of the land occurs.

S.B. 786 by Ellis Finance
Relating to appraisal of land that is available to the public.

S.B. 787 by Turner, Sibley, Intergovernmental Relations
Armbrister, Sims, Wentworth
Relating to the powers and duties of the Texas High-Speed Rail Authority.

S.B. 788 by Truan Jurisprudence
Relating to requests for an opinion of the attorney general.

S.B. 789 by Brown Criminal Justice
Relating to the adjudication and disposition of children for certain conduct that violates a penal law of the grade of felony.

S.B. 790 by Brown Jurisprudence
Relating to certain technical and clarifying corrections to the Property Code.

S.B. 791 by Brown Jurisprudence
Relating to a clarification of a commercial landlord's remedies for nonpayment of rent.

S.B. 792 by Brown Jurisprudence
Relating to recording abstracts of judgment.

S.B. 793 by Leedom State Affairs
Relating to disability retirement under the Employees Retirement System of Texas.

S.B 794 by Leedom Jurisprudence
Relating to liability for damages arising from the maintenance or use of certain parking areas and pedestrian pathways.

S.B 795 by Carriker Finance
Relating to voluntary payroll deductions for state employees for charitable organizations; making an appropriation.

S.B 796 by Armbrister Finance
Relating to the establishment of an economic limit factor for certain oil production and to oil and gas production as the result of new drilling technology.

S.B 797 by Armbrister State Affairs
Relating to the safe operation on highways of certain vehicles; providing a penalty.

S.B 798 by Armbrister Intergovernmental Relations
Relating to liability insurance and similar coverage for political subdivisions and for certain governmental officials and employees.

S.B 799 by Patterson Health and Human Services
Relating to mandatory premarital testing for human immunodeficiency virus infection.

S.B 800 by Patterson State Affairs
Relating to creation of an offense involving presence of a minor on premises covered by an alcoholic beverage permit or license.

S.B 801 by Truan Natural Resources
Subcommittee on Agriculture
Relating to maintaining records of certain chemicals used for agricultural purposes; providing penalties.

S.B 802 by West State Affairs
Relating to certain notices required for a used passenger car being offered for sale; providing a penalty.

S.B 803 by West Economic Development
Relating to the creation and administration of a linked deposit program to encourage lending to small businesses in distressed communities.

S.B. 830 by Luna Committee of the Whole Senate on
Redistricting, Ethics and Elections
Subcommittee on Elections and Ethics
Relating to runoff election dates for certain political subdivisions.

CONGRATULATORY RESOLUTIONS

S.C.R. 44 - By Bivins: Recognizing the Amarillo High School Lady Sandies and their coaches for winning the 1993 Class 5A girls state basketball championship.

S.R. 395 - By Sims: Recognizing the First Methodist Church of Rocksprings on the occasion of its 100th anniversary.

S.R. 396 - By Sims: Recognizing Peggy Maddox for her selection as the Region XIV 1993 Teacher of the Year.

S.R. 397 - By Sims: Congratulating Mrs. B. A. Pollard of Gatesville on the occasion of her 100th birthday.

S.R. 398 - By Harris of Tarrant: Designating Colonel Delbert M. Bassett as an Honorary Texas Colonel upon his retirement from the Marine Corps.

S.R. 402 - By Wentworth: Commending Granite Shoals Police Officer Kenneth Arther for his valor and congratulating him on receiving the American Police Hall of Fame's Silver Star for Bravery.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 10:42 a.m. adjourned until 11:00 a.m. Monday, March 15, 1993.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

March 10, 1993

EDUCATION — S.B. 607, S.B. 511, S.B. 454, C.S.S.B. 485, S.B. 374, S.B. 330, C.S.S.B. 95

March 11, 1993

STATE AFFAIRS — C.S.S.B. 550

THIRTY-FIRST DAY

(Monday, March 15, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Shapiro.

A quorum was announced present.

The Reverend Linda R. Pendercrass, Unity Church of Austin, offered the invocation as follows: